

## NOTIFICATION OF REASONS FOR REFUSAL

Application number	Patent Application 2004-042231
Drafting date	January 22, H22 (2010)
Patent examiner	Tadahiro OHSHIMA 3966 4Q00
Patent applicant agent	Toshihiko TAKANO
Article applied	Article 29, paragraph 2

This application is refused for the following reason(s). If you have arguments about this, please submit your argument within 60 days of the dispatch date of this notification.

## REASONS

1. The invention pertaining to the following claim(s) of the present application can be easily invented prior to the application by a person having the usual knowledge in the technical field of the invention based on the inventions described in the following publications distributed prior to the application in Japan or in foreign countries or the inventions that became available to the public prior to the application through electrical communication lines, and therefore a patent cannot be granted due to rules described in Article 29, paragraph 2, of Japan Patent Law.

RECORDED (Refer to the Reference List for references.)

Regarding Reason 1

(1) Regarding claims 1-4

\*Reference 1-4

\*Comments

Examples 4 and 7 in reference 1 disclose sunscreen cosmetics containing hydrophobicized zinc oxide, volatile silicone, and alkyl trimethicone.

Also, reference 2 says that the chemical compounds represented as [Chemical formula 1] and [Chemical formula 2] in claim 1 of the present patent application are used for the surface treatment of pigment powder for cosmetics, and that, in paragraph [0019], they can be used to treat zinc flower (zinc oxide), and that said pigment powder also has a superior water-repelling ability and oil-repelling ability, making it applicable for sunscreen cosmetics.

And, as described in reference 3, it is publicly known that it is desirable for the powder added to sunscreen cosmetics to have a water-repelling ability as well as durability.

Therefore, those skilled in the art could have easily used the zinc oxide

treated with the surface treatment agent as described in reference 2 for the hydrophobicized zinc oxide described in reference 1; also, as described in reference 3, the ease of washability of the powder is also a prior art technical issue for sunscreen cosmetics and therefore of course the washability in this case is to be investigated (furthermore, as described in reference 3, if the ease of washability improves by treating the powder with a chemical compound containing perfluoroalkylene groups and hydroxyl groups, then it is easy to come to realize that the ease of washability would improve also when the surface treatment agent as described in reference 2 is used.

Also, the addition of a lipophilic surfactant to sunscreen cosmetics is a well known practice (for example, see Examples 1-3 of reference 1 and Example 3 of reference 3), and, as described in reference 4, it is also a prior art to add an organic modified clay material; therefore, the addition of a lipophilic surfactant and/or an organic modified clay material to the sunscreen cosmetics of reference 1 is merely something those skilled in the art can determine to do as appropriate. (As the applicant points out in the argument, the fluorine-modified silicone in reference 1 is not a silicone oil and its blend ratio can be 0.01%-, therefore, element (g) in claim 1 of the present patent application does not become a difference.))

#### REFERENCE LIST

1. Japanese Patent Laid-Open No. 2003-226631 bulletin
2. Japanese Patent Laid-Open No. 2001-302455 bulletin
3. Japanese Patent Laid-Open No. H01-180811 bulletin
4. Japanese Patent Laid-Open No. 2002-146261 bulletin

---

#### RECORD OF PRIOR ART REFERENCE INVESTIGATION

Investigated areas	IPC	A61K 8/00-8/99 A61Q 1/00-99/00
Prior Art Reference	Japanese Patent Laid-Open No. H10-251123 bulletin Japanese Patent Laid-Open No. H05-339125 bulletin	

This record of a prior art reference investigation does not constitute reasons for refusal.

---

Please contact the following individual for questions regarding the content of this notification of reasons for refusal, or requesting for an interview.

Patent examination department 3,

Environmental chemistry (Separation treatment) Tadahiro OHSHIMA

Phone: 03-3581-1101 ext. 3468

Facsimile: 03-3592-6877